

AMENDED IN ASSEMBLY MARCH 26, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2560

Introduced by Assembly Member Bonilla

February 21, 2014

An act to amend Section 44252 of the Education Code, relating to teacher credentialing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2560, as amended, Bonilla. Teacher credentialing: renewal: child abuse reporting.

Existing law requires the Commission on Teacher Credentialing to establish standards and procedures for the initial issuance and renewal of teaching credentials.

Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined to include a teacher, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.

This bill would require the commission, as part of its standards and procedures for renewal of teaching *or services* credentials, to require an applicant who renews his or her credential online to read and attest by an electronic signature a statement *that is substantially in a specified form* that the applicant understands the duties imposed on a ~~teacher~~ *holder of a teaching credential or a services credential by the act, Child Abuse and Neglect Reporting Act*, as provided. The bill would also make nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44252 of the Education Code is amended
2 to read:

3 44252. (a) (1) The commission shall establish standards and
4 procedures for the initial issuance and renewal of credentials.

5 (2) (A) The commission shall require an applicant who renews
6 his or her credential online, as part of the renewal process, to read
7 and attest by electronic signature a statement that the applicant for
8 renewal understands the duties imposed on a ~~teacher~~ *holder of a*
9 *teaching credential or a services credential* pursuant to the Child
10 Abuse and Neglect Reporting Act—~~(Article. (Article 2.5~~
11 (commencing with Section 11164) of Chapter 2 of Title 1 of Part
12 4 of the Penal Code), including, but not limited to, the duty of a
13 ~~teacher~~ *holder of a teaching credential or a services credential* to
14 report to any police department, sheriff's department, county
15 probation department authorized to receive reports, or county
16 welfare department, whenever he or she, in his or her professional
17 capacity or within the scope of his or her employment, has
18 knowledge of or observes a child whom the ~~teacher~~ *holder of a*
19 *teaching credential or a services credential* knows or reasonably
20 suspects has been the victim of child abuse or neglect.

21 (B) *The statement described in subparagraph (A) shall be*
22 *substantially in the following form:*

23
24 “As a documentholder authorized to work with children, it is
25 part of my professional and ethical duty to report every instance
26 of child abuse or neglect known or suspected to have occurred to
27 a child with whom I have professional contact.

28 I understand that I must report immediately, or as soon as
29 practicably possible, by telephone to a law enforcement agency
30 or a child protective agency, and will send a written report and
31 any evidence relating to the incident within 36 hours of becoming
32 aware of the abuse or neglect of the child.

33 I understand that reporting the information regarding a case of
34 possible child abuse or neglect to an employer, supervisor, school
35 principal, school counselor, coworker, or other person is not a

1 *substitute for making a mandated report to a law enforcement*
2 *agency or a child protective agency.*

3 *I understand that the reporting duties are individual and no*
4 *supervisor or administrator may impede or inhibit my reporting*
5 *duties.*

6 *I understand that once I submit a report, I am not required to*
7 *disclose my identity to my employer.*

8 *I understand that my failure to report an instance of suspected*
9 *child abuse or neglect as required by the Child Abuse and Neglect*
10 *Reporting Act under Section 11166 of the Penal Code is a*
11 *misdemeanor punishable by up to six months in jail or by a fine*
12 *of one thousand dollars (\$1,000), or by both that imprisonment*
13 *and fine.*

14 *I acknowledge and certify that as a documentholder, I will fulfill*
15 *all the duties required of a mandated reporter.”*

16
17 (b) The commission shall not issue initially a credential, permit,
18 certificate, or renewal of an emergency credential to a person to
19 serve in the public schools unless the person has demonstrated
20 proficiency in basic reading, writing, and mathematics skills in
21 the English language as provided in Section 44252.5 or Section
22 44252.7. The commission shall exempt the following persons from
23 the basic skills proficiency test requirement:

24 (1) A person credentialed solely for the purpose of teaching
25 adults in an apprenticeship program.

26 (2) An applicant for an adult education designated subject
27 credential for other than an academic subject.

28 (3) A person credentialed in another state who is an applicant
29 for employment in a school district in this state who has passed a
30 basic skills proficiency examination administered by the state
31 where the person is credentialed.

32 (4) A person credentialed in another state who is an applicant
33 for employment in a school district in this state who has passed a
34 basic skills proficiency examination that has been developed and
35 administered by the school district offering that person
36 employment, by cooperating school districts, or by the appropriate
37 county office of education. School districts administering a basic
38 skills proficiency examination under this paragraph shall comply
39 with the requirements of subdivision (h) of Section 44830. The
40 applicant shall be granted a nonrenewable credential, valid for not

1 longer than one year, pending fulfillment of the basic skills
2 proficiency requirement pursuant to Section 44252.5.

3 (5) An applicant for a child care center permit or a permit
4 authorizing service in a development center for the handicapped,
5 so long as the holder of the permit is not required to have a
6 baccalaureate degree.

7 (6) The holder of a credential, permit, or certificate to teach,
8 other than an emergency permit, who seeks an additional
9 authorization to teach.

10 (7) An applicant for a credential to provide service in the health
11 profession.

12 (8) An applicant who achieves scores on the writing, reading,
13 and mathematics sections of the College Board SAT Reasoning
14 Test, the enhanced ACT Test, or the California State University
15 Early Assessment Program that are sufficient to waive the English
16 placement test and the entry level mathematics examination
17 administered by the California State University.

18 (9) An applicant for an eminence credential to be issued pursuant
19 to Section 44262.

20 (c) (1) The Superintendent shall adopt an appropriate state test
21 to measure proficiency in these basic skills. In adopting the test,
22 the Superintendent shall seek assistance from the commission and
23 an advisory board. A majority of the members of the advisory
24 board shall be classroom teachers. The advisory board also shall
25 include representatives of school boards, school administrators,
26 parents, and postsecondary educational institutions.

27 (2) The Superintendent shall adopt a normed test that the
28 Superintendent determines will sufficiently test basic skills for
29 purposes of this section.

30 (3) The Superintendent, in conjunction with the commission
31 and approved teacher training institutions, shall take steps
32 necessary to ensure the effective implementation of this section.

33 (d) This section does not require the holders of, or applicants
34 for, a designated subjects special subjects credential to pass the
35 state basic skills proficiency test unless the requirements for the
36 specific credential required the possession of a baccalaureate
37 degree. The governing board of a school district, or the governing
38 board of a consortium of school districts, or the governing board
39 involved in a joint powers agreement, which employs a holder of
40 a designated subjects special subjects credential shall establish its

own basic skills proficiency criteria for the holders of these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(e) The commission shall compile data regarding the rate of passing the state basic skills proficiency test by persons who have been trained in various institutions of higher education. The data shall be available to members of the public, including to persons who intend to enroll in teacher education programs.

(f) (1) Each applicant to an approved credential program, unless exempted by subdivision (b), shall take the state basic skills proficiency test in order to provide both the prospective applicant and the program with information regarding the proficiency level of the applicant. Test results shall be forwarded to each California postsecondary educational institution to which the applicant has applied. The program shall use test results to ensure that, upon admission, each applicant receives appropriate academic assistance necessary to pass the state basic skills proficiency test. Persons residing outside the state shall take the test no later than the second available administration following their enrollment in a credential program.

(2) It is the intent of the Legislature that applicants for admission to teacher preparation programs not be denied admission on the basis of state basic skills proficiency test results.